

REMARKS

The Office Action dated December 6, 2004, has been received and carefully noted. The above amendments and the following remarks are submitted as a full and complete response thereto.

By this Amendment, claims 1-3, 6, 7 and 12 have been canceled, claims 4 and 9-11 are amended, and new claims 13-15 are added. No new matter is presented. The amendments to the claims do not narrow the scope of the claims. Accordingly, claims 4, 5, 8-11 and 13-15 are pending and respectfully submitted for consideration.

The Applicant wishes to thank the Examiner for indicating allowable subject matter in claims 9-11. Claims 9-11 were rewritten in independent form. New claims 13-15 recite the subject matter of claims 9-11 as dependent from claim 5.

Claims 4, 5 and 8 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hector (U.S. Patent No. 5,590,546). The Applicant traverses the rejection and respectfully submits that claims 4, 5 and 8 recite subject matter that is neither disclosed nor suggested by Hector. Claims 5 and 8 depend from claim 4.

Claim 4 recites a plurality of rotatable beads is connected by connection means having elasticity. The Office Action cited Hector for disclosing a connection means in the form of constructional thread 52 forming a string 54. However, the Applicant submits that there is no disclosure or suggestion in Hector that the constructional thread 52 has elasticity. As such, Hector fails to disclose or suggest at least this feature of the invention as recited in claim 4.

With respect to claim 8, the Office Action took the position that Hector discloses "a water containing segment (38 of Fig. 1)". However, the Applicant notes that Hector is

directed to jewelry beads including main beads made up of small beads. There is no disclosure or suggestion of Hector being related to a flower supporting device. As such, there is no disclosure or suggestion that there would be a water containing segment in the jewelry disclosed in Hector. Furthermore, element 38 in Hector is a stringing thread 38, which is not illustrated as an element that could arguably contain water.

According to U.S. patent practice, a reference must teach every element of a claim in order to properly anticipate the claim under 35 U.S.C. §102. In addition, “[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628,631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “Every element of the claimed invention must be arranged as in the claim. . . the identical invention, specifically, [t]he identical invention must be shown in as complete detail as contained in the claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236 (Fed. Cir. 1989) (emphasis added). The Applicant respectfully submits that Hector does not disclose or suggest at least connection means having elasticity as recited in claim 4, or a water containing segment as recited in claim 8. Accordingly, Hector does not anticipate claims 4, 5 and 8, nor are claims 4, 5 and 8 obvious in view of Hector. As such, the Applicant respectfully requests withdrawal of the rejection of claims 4, 5 and 8 and the prompt issuance of a Notice of Allowability.

Should the Examiner believe anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the undersigned at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to counsel's Deposit Account No. 01-2300, **referencing Attorney Dkt. No. 101190-00034.**

Respectfully submitted,



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Enclosures: Petition for Extension of Time (one month)
Extra Claims Transmittal

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